

#546
1 BILL NO. G-93- 09-08

2 GENERAL ORDINANCE NO. G- 30-93

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a dedicated utility easement.

6 WHEREAS, a petition to vacate a dedicated utility
7 easement within the City of Fort Wayne (as more specifically
8 described below) was duly filed with the City Planning
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, all in
14 accordance with I.C. 36-7-4-512(2) and this body having held
15 a public hearing on said vacation as provided in I.C. 36-7-4-
16 12; and

17 WHEREAS, this body concurs in the recommendation of the
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a
22 dedicated utility easement within the City of Fort Wayne, more
23 specifically described as follows, to-wit:

24 A fifteen foot (15') by three hundred fifty-foot (350')
25 easement. The southern twenty-five feet (25') from Lots
26 29 and 30 having been sold off. Commencing at the
27 northern boundary line of Lots 25 and 34 and continuing
28 in a southerly direction to the southern boundary line of
29 Lots 29, Lots 25, 26, 27, 28, 31, 32, 33, 34 and the
30 North 50 feet of Lot Numbers 29 and 30 in Squires Second
31 Addition to the City of Fort Wayne, according to the plat
32 thereof recorded in Plat Record 18, page 6, in the Office
of the Recorder of Allen County, Indiana.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

1 APPROVED AS TO FORM AND LEGALITY:

2 J. Timothy McCaulay
3 J. TIMOTHY MCCAULAY, CITY ATTORNEY

4 ** Public hearing to be held on _____,
5 the _____ day of _____, 1993,
6 in the Council Chambers.

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8 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of _____
19____, at _____ o'clock

M., E.S.T.

DATED: 9-14-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
and duly adopted, placed on its passage. PASSED lost
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS				<u>✓</u>
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 11-9-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. D-30-93
on the 9th day of November, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy

Mark C. Giaquinta

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 10th day of November, 1993,
at the hour of 2:00 o'clock P., M., E.S.T.

Approved and signed by me this

12th day of November

1993, at the hour of 8:00 o'clock A M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

No 14887

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

8/19 1993

RECEIVED FROM

Raporer's Local Union

\$ 150.00

THE SUM OF

One hundred & fifty 00

100

DOLLARS

ON ACCOUNT OF

Cement Vac

12439

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

for B

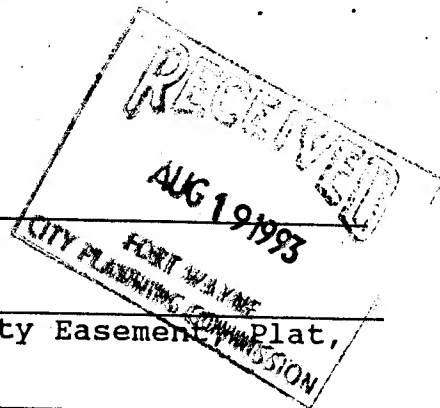
AUTHORIZED SIGNATURE

Date Filed: _____

Vacation Petition

I/We LIUNA Local 213, Inc.
(Applicant's Name or Names)

PETITION TO VACATE EASEMENT
(Street, Alley, Utility Easement, Plat,
Other) _____



TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following _____ easement _____ with the City of Fort Wayne, Indiana, and hereby described as follows:

A fifteen foot (15') by Three Hundred Fifty foot (350') easement -
The southern twenty five feet (25') from Lots 29 and 30 having
been sold off -- as shown by the survey dated October 2, 1991,
commencing at the northern boundary line of Lots 25 and 34 and continu-
ing in a southerly direction to the southern boundary line of Lots 29 *
(Legal Description of property being vacated) If additional
space is needed use reverse side.) *SEE REVERSE SIDE

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

The easement is unused and runs through the entire middle of
the parcel owned by your applicant which is used for parking
and as a drive area and is unnecessary as ingress or egress to
other properties. Further the South 25 feet of the 15 foot
easement of Lots 29 and 30 have previously been vacated by approval
of this Commission pursuant to a request by the Applicant dated
(If additional space is needed use reverse side.) SEE REVERSE SIDE

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described
easement be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 19th DAY OF August 19 93

Adjacent Property Owner
Typed Name

Adjacent Property Owner
Typed Name

Address Zip

Address Zip

Signature

Signature

Legal Description of Property:

Lots 25, 26, 27, 28, 31, 32, 33, 34 and the North 50 feet of Lot
Numbers 29 and 30 in Squires Second Addition to the City of
Fort Wayne, according to the plat thereof recorded in Plat Record
18, page 6, in the Office of the Recorder of Allen County, Indiana.

Additional Reasons for Vacation Request:

March 19, 1992 which was the subject of a sale off for purposes
of development of the South 25 feet of Lot Number 29 and the
South 25 feet of Lot Numbered 30 in Squire's Second Addition to the
City of Fort Wayne as recorded in Plat Book 18, page 6. Further,
no other person, firm or corporation is affected by the requested
vacation.

Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent Property Owners TYPED Name	Address/Zip	Signature
-------------------------------------	-------------	-----------

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE
PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC
HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Solomon L. Lowenstein, Jr.

Name

503 W. Wayne Street

Street Address

Fort Wayne, Indiana 46802

City/State/Zip

(219) 422-4655

Phone

* and 30 of Applicant's property.

RESOLUTION 80-239-7

WHEREAS, LIUNA LOCAL 213, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

A fifteen foot (15') by three hundred fifty-foot (350') easement. The southern twenty-five feet (25') from Lots 29 and 30 having been sold off. Commencing at the northern boundary line of Lots 25 and 34 and continuing in a southerly direction to the southern boundary line of Lots 29, Lots 25, 26, 27, 28, 31, 32, 33, 34 and the North 50 feet of Lot Numbers 29 and 30 in Squires Second Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 18, page 6, in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

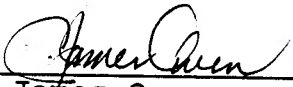
I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED. OCT. 6, 1993 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 6 DAY OF OCTOBER 1993

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works


C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, LIUNA LOCAL 213, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

A fifteen foot (15') by three hundred fifty-foot (350') easement. The southern twenty-five feet (25') from Lots 29 and 30 having been sold off. Commencing at the northern boundary line of Lots 25 and 34 and continuing in a southerly direction to the southern boundary line of Lots 29, Lots 25, 26, 27, 28, 31, 32, 33, 34 and the North 50 feet of Lot Numbers 29 and 30 in Squires Second Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 18, page 6, in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on September 20, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

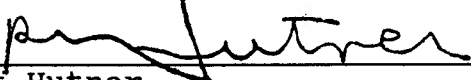
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, September 27, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4th DAY OF October 1993

FORT WAYNE CITY PLAN COMMISSION



Robert Hutner
Secretary

#546
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Easement Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A 15 foot by 300 foot utility easement
running north and south and adjacent to Lots 25 through 34 in
Squires Second Addition.

D-93-09-08

EFFECT OF PASSAGE Property is currently a dedicated
utility easement. Property will be vacated and revert to the
ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated
utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

FACT SHEET

G-93-09-08

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Utility Easement Vacation

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

A 15' x 300' utility easement running north/south between Lots 25 thru 34 in Squire's Second Addition.

Reason for Project

Circumstances have changed since the original platting and the easement is no longer needed for utilities.

Discussion (Including relationship to other Council actions)20 September 1993 - Public Hearing

Solomon Lowenstein, Jr., attorney with offices at 503 W Wayne Street appeared before the Commission representing the petitioners LIUNA 213, Inc. Mr. Lowenstein stated that his client sold the south 25 feet of Lots 29 & 30 to St. Mary's Realty Inc in 1992. He stated that St. Mary's Realty Inc., developed a Walgreen's Drug Store on So Anthony Blvd. He stated as part of that sale St. Mary's applied for a vacation of that portion of the easement which was located on Lots 29 & 30 and the vacation petition was granted. He stated that it was their contention that the easement is not needed for any ingress or egress nor would the vacation have any impact on any property values in the area. The easement is not needed for any future growth, nor is it needed for any access to any public way or places. He stated that I&M advised them in 1992 that the easement for this property runs on the southern property line of Lots 29 & 30, which is perpendicular to the easement that they are requesting vacated. He stated that GTE also placed their utility easement

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
LIUNA 213, Inc
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**(For Council
use only)☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

FAILS

there to service both parcels. He stated that Comcast and NIPSCO at that time indicated to St. Mary's Realty that they were not interested in using the easement. He stated at this point in time they have not contacted any of those 4 utility companies, but based upon the recommendation of the staff they would be willing to do so.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

27 September 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing any necessary utility easements or relocations.

Of the six (6) members present, five (5) voted for the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT.

	No	Yes
Policy or Program Change		
Operational Impact Assessment		

(This space for further discussion)

Project Start **Date** 19 August 1993

Projected Completion or Occupancy Date 11 October 1993

Fact Sheet Prepared by Patricia Biancaniello **Date** 11 October 1993

Reviewed by _____ Date _____

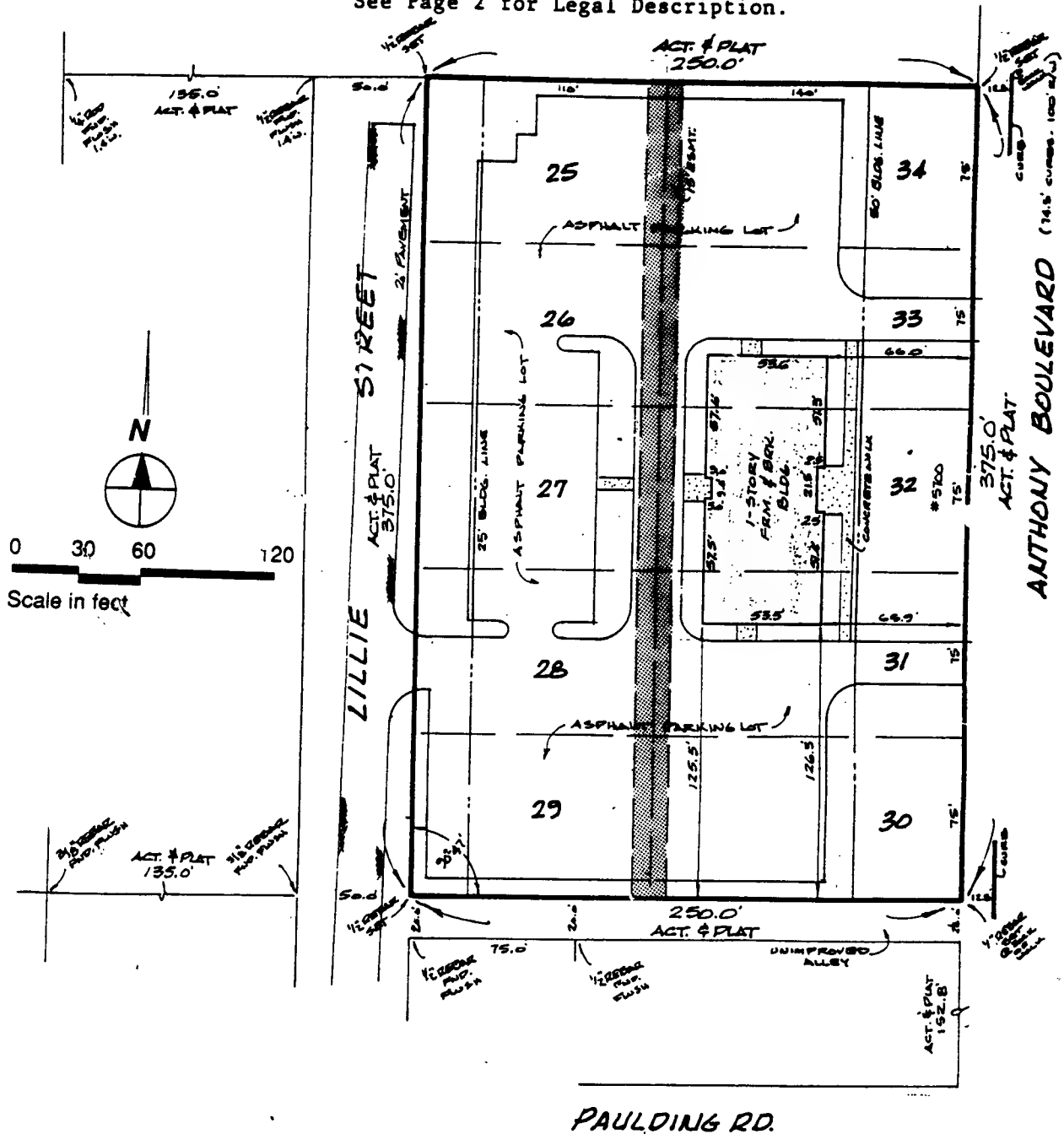
Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #546

See Page 2 for Legal Description.



COUNCILMANIC DISTRICT NO. 6

Map No. O-19

LW 9-7-93

R1 One-Family
R2 Two-Family
R3 Multi-Family
RA/RB Residential
PUD Planned Unit Dev.

B1 Limited Business
B2 Planned Shopping Center
B3 General Business
B4 Roadside Business
POD Professional Office District

M1 Light Industrial
M2 General Industrial
M3 Heavy Industrial
MHP Mobile Home Park

BILL NO. G-93-09-08

REPORT OF THE COMMITTEE ON
REGULATIONS

DAVID C. LONG & REBECCA J. RAVINE - CO-CHAIRPERSONS
LUNSEY, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
a dedicated utility easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca J. Ravine
David C. Long
Michael J. Lunsey
D. J. Schmidt

DATED: 11-9-93.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

20
October ~~18~~, 1993

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of
October ~~21~~, 1993, in both the News Sentinel and Journal
Gazette. ~~23~~

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-93-09-08
Utility Easement Vacation

Please send us 3 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

October 18, 1993

Solomon Lowenstein, Jr., Attorney
503 West Wayne Street
Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL NO. G-93-09-08

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, November 9, 1993, at 5:30 P.M., in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

A 15' X 300' utility easement running north/south between Lots 25 thru 34 in Squire's Second Addition -- Circumstances have changed since the original platting and the easement is no longer needed for utilities

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. Z-93-09-08

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, November 9, 1993, at 5:30 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana more particularly described as follows:

A fifteen foot (15') by three hundred fifty-foot (350') easement. The southern twenty-five feet (25') from Lots 29 and 30 having been sold off. Commencing at the northern boundary line of Lots 25 and 34 and continuing in a southerly direction to the southern boundary line of Lots 29, Lots 25, 26, 27, 28, 31, 32, 33, 34 and the North 50 feet of Lot Numbers 29 and 30 in Squires Second Addition to the City of Fort Wayne, according to the plat thereof recorded in Plat Record 18, page 6, in the Office of the Recorder of Allen County, Indiana.

All interested parties are invited to appear and be heard.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

From the Desk of:

Pat Biancaniello

10-14-93

AGENT:

Solomon Lowenstein, Jr
503 W Wayne St
Fort Wayne IN 46802

OHONE: 422-4655

*Patricia Newmyer
& discussion on
11-9-93
5:30 PM.*

FW Common Council
(Governmental Unit)
Allen County, Indiana

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines
Head -- number of lines
Body -- number of lines
Tail -- number of lines
Total number of lines in notice

COMPUTATION OF CHARGES

27 lines, 1 columns wide equals 27 equivalent lines
at .33 cents per line \$ 8.91
Additional charge for notices containing rule or tabular work (50 percent of above amount)
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00
TOTAL AMOUNT OF CLAIM \$ 9.91

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Cindy Gillenwater
Clerk

Date: Oct 23, 19 93 Title:

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows: 10/23/93

Cindy Gillenwater
Subscribed and sworn to before me this 23rd day of Oct, 19 93.

Mary L. Adkison
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA ALLEN COUNTY MY COMMISSION EXP JUNE 14, 1997

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. Z-93-09-08
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All interested parties are invited to appear and be heard.
FORT WAYNE COUNCIL
Sandra E. Kennedy
City Clerk
#595
10-23

FW Common Council

(Governmental Unit)

Allen

County, Indiana

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
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at .33 cents per line

\$ 8.91

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 9.91

DATA FOR COMPUTING COST

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Date: Oct 23, 19 93Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

10/23/93

Subscribed and sworn to before me this 23rd day of Oct, 19 93.

Notary Public

MARY L ADKISON

NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

My commission expires:

MY COMMISSION EXP JUNE 14, 1997

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BILL NO. Z-93-09-08

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FORT WAYNE COUNCIL
Sandra E. Kennedy
City Clerk
#595